

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

WRIT PETITION NO : 14163 of 1998

Between:

1. G.Maheswara Rao (P.F.No.14067), S/o.Late G.Appa Rao,

Aged about 29 years, Occu: Time Office Boy,

R/o.Bobbili, Vizianagaram District.

2. Bellana Venkata Rao, (P.F.No.14064),

S/o.B.Sanyasi, Aged about 39 years, Occu: Mazdoor,

R/o.Bobbili, Vizianagaram District.

3. M.Muralidhar Rao (P.F.No.14069)

S/o.M.Appa Rao, Aged about 29 years, Occ;Mazdoor,

R/o.Bobbili, Vizianagaram District.

4. M.Gopalam (P.F.NO.14069), S/o.M.Somulu,

Aged about 32 years, Occu:Mazdoor, R/o.Bobbili,

Vizianagaram District.

5. S.Vijay, (P.F.No.14150) S/o.Paraiah,

Aged about 33 years, Occu:Mazdoor,

R/o.Sethanagaram, Vizianagaram District.

6. S.Gopi, (P.F.No.14152), S/o.Late Issak,

Aged about 32 years, Occu:Mazdoor,

R/o.Sethanagaram, Vizianagaram District. ..Petitioners

AND

1. The General Manager, Nizam Sugars Limited,

Lachaiahpet, Sethanagaram Mandal,

Vizianagaram District.

2. The Managing Director, Nizam Sugars Limited,
Basheerbagh, Hyderabad.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, directing the Respondents to regularize the services of the petitioners in their respective categories of the 1st respondent's Establishment with all consequential benefits as per the G.O.Ms.No.212 Finance and Planning (FWPC-111) Dept., dt.22-4-1994 by holding the inaction on the part of the respondents as illegal, arbitrary and contrary to the instructions issued by the Government from time to time.

Counsel for the petitioners : Mr.N.JAGANNADHAM

Counsel for the Respondents : N.VASUDEVA REDDY.

The Court made the following :

HONOURABLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

-

WRIT PETITION No.14163 of 1998

ORDER:

The writ petition was filed by the petitioners after they were relieved from service and sought directions for regularization of their services and payment of emoluments. During the pendency of the petition, there was stay operating. In addition to petitioners, there were around 150 employees who were retrenched under Section 25-F of the Industrial Disputes Act. The stay order passed was according to the petitioners, pending disposal of the writ petition. Thus, the respondent-company continued to pay salary to the petitioners till May, 2003. Since June, 2003, salaries were not being paid.

During the pendency of the writ petition, all units of respondent-company including Lachayyapet were privatized and the company was transferred to M/s. .N.C.S. Estates (Pvt.) Ltd.

In view of the subsequent developments, in so far as the main relief sought for in the petition is concerned, the same cannot be granted in this petition and as such the petition has been rendered infructuous. Since the other employees who were

retrenched in the year 1997 were paid retrenchment compensation, it may be a case for payment of retrenchment compensation. For that purpose, learned counsel for the petitioners states that on 13.4.2004 petitioners submitted representation for payment of retrenchment compensation, which has not been processed or acted upon.

Learned counsel for the respondents states that whatever is due and payable to the petitioners will be duly paid by them.

This Court need not decide as to the quantum of retrenchment compensation payable to the petitioners. It will be for the respondents to take appropriate decision in the matter and pay whatever is due and payable to the petitioners in accordance with law.

With these directions, the writ petition stands disposed of. No costs.

DATE: 17th June, 2004

Pnb

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To:

1. The General Manager, Nizam Sugars Ltd.,
Lachaiahpeta, Seethanagaram Mandal,
Vizianagaram District.
2. The Managing Director, Nizam Sugars Ltd.,
Basheerbagh, Hyderabad.

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